

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. EDCV 24-2257-MWF(SPx) Date: January 14, 2025

Title *Alexandra Galvan Mata v. ER & Son Trucking, LLC, et al.*

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Present: The Honorable: MICHAEL W. FITZGERALD, United States District Judge

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<u>Rita Sanchez</u>	<u>Not Reported</u>
Deputy Clerk	Court Reporter / Recorder

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Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:
Not Present	Not Present

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE**

On November 6, 2024, the Court filed an Order Setting Scheduling Conference. (Docket No. 8). That Order set a deadline of November 25, 2024 for the parties' Joint Rule 26(f) Report, and a Scheduling Conference on December 9, 2024, at 11:00 a.m. (*Id.*) On December 2, 2024, the Court vacated the Scheduling Conference and ordered the parties to file the required Joint Rule 26(f) Report no later than December 16, 2024. (Docket No. 9).

On December 11, 2024, Defendants filed a Statement Regarding Non-Compliance with Preparation of FRCP Rule 26 Report. (Docket No. 10). As a result of that Statement, the Court filed an Order to Show Cause (the "OSC") why this action should not be dismissed for lack of prosecution. (Docket No. 11). In response to the OSC, the Court would accept a *Joint* Rule 26(f) Report, prepared and filed by Plaintiff, no later than January 6, 2025, and an explanation from Plaintiff's counsel regarding the lack of communication and cooperation. (*See* OSC).

On January 7, 2025, one day late, Plaintiff filed a Declaration of Bradley G. Hayes Re: Order to Show [sic], and a Joint Rule 26(f) Report. (Docket Nos. 12 and 13). Defendants then filed their Objection to Plaintiff's "Joint" Rule 26 Report. (Docket No. 14).

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Despite the Court's prior Orders, it appears that the Court's instructions have not been clear. Therefore, the Court now **ORDERS** as follows, with a deadline of **FEBRUARY 3, 2025**:

- If agreed to by the parties, Plaintiff shall draft and file a stipulation and proposed order to remand this action to superior court; or
- Plaintiff may file a Motion to Remand and notice it for hearing no later than March 3, 2025; or
- The parties shall meet-and-confer and file a **JOINT** Rule 26(f) Report.

If no action is taken by Plaintiff to proceed with either a stipulation to remand or a motion to remand, the Court will deem this as a failure to prosecute and this action will be dismissed without prejudice. If either party fails to cooperate in the timely preparation of a JOINT Rule 26(f) Report, the Court will either dismiss the action without prejudice, or strike Defendants' Answer to Complaint and enter default, whichever sanction is appropriate.

The Court reminds counsel that they are expected to review and adhere to the Central District's Civility and Professionalism Guidelines, available at <http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-guidelines>.

No oral argument on this matter will be heard unless otherwise ordered by the Court. *See* Fed. R. Civ. P. 78; Local Rule 7-15. The Order will stand submitted upon the filing of the response to the Order to Show Cause. Failure to timely respond to the Order to Show Cause will result in the sanctions outlined herein.

IT IS SO ORDERED.